

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00126

JOSHUA DEVERE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 11, 2018, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Joshua Devere, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the amendments to the original petition seeking revocation of supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a 24 months less 1 day term of supervised release in this action on March 17, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on June 10, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects in addition to the violations found by the court as set forth in its order entered on December 18, 2017: (1) the defendant failed to appear for urine screens as instructed on January 22 and February 15, 2018; and (2) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on January 12, 2018, for amphetamines, the defendant having admitted to the probation officer that he used Adderall without a prescription on two occasions in January 2018; and a positive urine specimen submitted by him on March 7, 2018, for methamphetamine, the defendant having admitted to the probation officer that he had used methamphetamine approximately four or five days prior; all as admitted by the defendant on the record of the hearing and all as set forth in the amendments to the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not

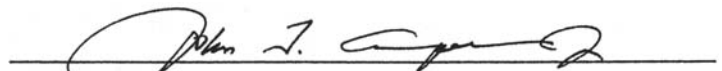
revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 16, 2018


John T. Copenhaver, Jr.
United States District Judge